

Additional Claim Fee Calculation

	Number of Claims Remaining	Highest Previous Number Paid	Present Extra Claims	Rate for Large Entity	Additional Fee
Total	29	22	7	\$18	\$126
Indep.	4	3	1	\$84	\$ 84
				Additional Claims Fee	\$210

Fee Payment

A check for \$210 is attached. Please charge any fee deficiency or credit any overpayment in connection with this Amendment to Deposit Account No. 19-4518.

REMARKS

Formal Claim Amendments

Changes of a formal nature have been made to several of the claims to better conform with conventional US claiming practices. For example, the unnecessary "characterizing" phrases in all three independent claims 1, 7, and 21 have been deleted. The term "comprising" has been substituted for the "characterized by" phrase of independent claim 21. Several instances of "means for" language have been replaced by more direct recitations of underlying structures. For example, a "portable playback means" is now referred to as a portable playback device to avoid an unnecessary reliance on the provisions of §112, sixth paragraph, for identification of a commonplace device.

Novelty Rejection

A single novelty rejection has been levied against the claims over US Patent 6,312,363 to Watterson et al., which was filed shortly in advance of the priority German application but published as a US patent well after the US filing date of the subject application.

The Watterson et al. system synchronizes operating parameters of exercise devices with motivational programming. Control signals embedded within the motivational programming are detected and processed to adjust operating parameters of the exercise devices to follow, for example, intensity variations of the motivational programming. The motivational programming can be replaced by a trainer in a remote location that can observe the user and control the user's exercise device remotely.

Watterson et al. provide for controlling exercise devices in synchronism with motivational programming or in direct response to a remote trainer. In contrast, the invention, as first recited in method claim 1, provides for outputting verbal training information converted from detected parameters inherent to the body of a user. Watterson et al. do not provide for detecting parameters inherent to the body of a user and do not provide for converting data corresponding to the detected parameters into verbal information.

Watterson et al.'s method and the claimed method make different connections and operate in different directions. In Watterson et al., control signals embedded in the output of a sound playback device control exercise equipment (sound playback device \Rightarrow exercise equipment). In the claimed invention, data detected about inherent body parameters of a user is converted into verbal instructions that are output from a

portable sound playback device (detector \Rightarrow converter \Rightarrow portable sound playback device).

The dependent method claims add more distinctions. For example, claim 2 requires the verbal training information to indicate the detected values of the inherent parameters of the user's body. Watterson et al. do not detect information about inherent parameters of users' bodies or output this information in the form of verbal training information. Claim 3 requires the verbal training information to include not only feedback information but also training instructions for further training based on the detected values. Parameters inherent to the bodies of users are not detected by Watterson et al. or used as a basis for further training. With respect to claims 4 and 5, Watterson et al. do not influence musical compilations dependent upon the detected values of the inherent parameters of the user's body. Claim 6 requires the verbal training information to be outputted in conjunction with the other output of the sound playback device.

The apparatus claims are similarly distinguishable. Both independent apparatus claims 7 and 21 require a detector that detects parameters inherent to the body of the user and is connected to a microprocessor for data communication. Watterson et al. do not disclose such detectors and do not connect such detectors with a microprocessor. Both independent apparatus claims 7 and 21 also require a converter controlled by the microprocessor and connected to the sound playback device for converting the detected values of the user's inherent parameters into verbal training information for output by the sound playback device. Watterson et al. do not acquire the requisite starting information and do not disclose any microprocessor-controlled converter for converting such starting information.

Claims 8 and 9 are further patentable for the reasons recited for claims 2 and 3. Claim 10 lists specific detectors not found in Watterson et al. Claim 11 specifies that the converter comprises a voice synthesizer. No devices are employed by Watterson et al. for making any such conversions. Claims 12-14 specify particular sound playback devices and interconnections with a base station. Claims 18 and 19 require additional apparatus for storing, transmitting, and receiving personal data of the training person. The microprocessor of claim 20 is required to make a comparison of the received personal data with stored personal data and output verbal information if matched. Watterson et al. do not provide for similarly storing or comparing personal data.

NEW CLAIMS

Claims 23-29 have been added. The new claims are distinguished similar to the original claims by emphasizing key relationships among a sound playback device, a detector, and a converter. The recited detector and converter are missing from Watterson et al., as well as the recited connections between them. Watterson et al.'s motivational programming or other training initiatives provide for controlling exercise equipment and do not detect, convert, and report the physical condition of the user.

The dependent claims 24-26 specify requirements for a microprocessor that has access to a program for controlling output of the sound playback device. The microprocessor program is responsive to the data corresponding to the detected parameters inherent to the user's body for altering output of the sound playback device. In Watterson et al., the sound playback device alters the exercise equipment. Dependent claims 27-29 name specific devices for the detector and converter.

With the clarifying amendments, all of the originally pending claims 1-22 are believed to be in condition for allowance. The new claims 23-29, which emphasize similar distinctions, are also believed in condition for allowance. Reconsideration and allowance of all these claims 1-29 are respectfully requested.

A marked-up version of the claim changes follows as a part of this response.

For any question on these amendments, the Examiner is invited to call applicants' representative at the number listed below.

Respectfully submitted,
EUGENE STEPHENS & ASSOCIATES



Thomas B. Ryan, Reg. No. 31,659
Agent for Applicant(s)
56 Windsor Street
Rochester, New York 14605
Phone: (716) 232-7700
Facsimile: (716) 232-7188

TBR:cba

Enclosures

Dated: JUL 24 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C., 20231.

Date of Deposit: JUL 24 2002

Signature: 

Version with Markings to Show Changes Made

In the Claims

Please amend claims 1, 4-7, 10, 12, 13, 15, and 21 and add new claims 23-29 as follows:

1. (ONCE AMENDED) Method of optimizing a training comprising the [step] steps of:
 - [(a)] detecting parameters inherent to the body of a user during a training;
[characterized by the steps of:]
 - [(b)] converting data corresponding to the detected parameters into verbal training information for the user; and
 - [(c)] outputting said verbal training information to the user by a portable sound playback [means] device.
4. (ONCE AMENDED) Method according to claim 1, further comprising the steps of:
 - providing an individual training program on a computer in the form of a music compilation prior to the training; and
 - transmitting the training program to the portable sound playback [means] device.
5. (ONCE AMENDED) Method according to claim 4, further comprising the step of:
 - influencing the individual training program provided in the form of a music compilation in the sound playback [means] device dependent on the detected values of the body's inherent parameters.

6. (ONCE AMENDED) Method according to claim 1, wherein the verbal training information is outputted simultaneously with [the] other output of the sound playback [means] device or the other output of the sound playback [means] device is interrupted during the output of the verbal training information.
7. (TWICE AMENDED) Portable training device for optimizing a training comprising:
 - a sound playback [means] device;
 - a microprocessor; [and]
 - a [means for detecting] detector that detects parameters inherent to the body of a user, said [detecting means] detector being connected with the microprocessor for data communication; and
 - [characterized by]
 - a converter controlled by the microprocessor and connected to the sound [payback means] playback device for converting detected values of said parameters into verbal training information for the user and for outputting the information by the sound playback [means] device.
10. (ONCE AMENDED) Portable device according to claim 7, wherein the [detecting means] detector comprises at least one of a pulsimeter, a pulsoxymeter, a chronometer, a timer and a pedometer.
12. (TWICE AMENDED) Portable device according to claim 7, wherein the sound playback [means] device is a MP3 player, a disc player, a DAT device, or a MiniDisc device.
13. (ONCE AMENDED) Portable device according to claim 7, further comprising a [means for connecting] connector that connects the portable device with a base station.

15. (ONCE AMENDED) Portable device according to claim 13, wherein the sound playback [means] device is adapted to reproduce an individual training program in the form of a music compilation transmitted from the base station.
21. (TWICE AMENDED) Training system for optimizing a training[, characterized by] comprising:
- a sound playback [means] device;
 - a microprocessor;
 - a [means for detecting] detector that detects parameters inherent to the body of a user, said [detecting means] detector being connected with the microprocessor for data communication;
 - a converter controlled by the microprocessor and connected to the sound playback [means] device for converting the detected values of said parameters into verbal training information for the user and for outputting the information by the sound playback [means] device; and
 - a base station.
23. A system for regulating physical activity of a user comprising:
- a sound playback device;
 - a detector that detects parameters inherent to the user's body;
 - a converter that converts data corresponding to the detected parameters inherent to the user's body into information output by the sound playback device;
 - the detector being connected to the converter for communicating the data corresponding to the detected parameters inherent to the user's body to the converter; and
 - the converter being connected to the sound playback device for informing the user about the user's present physical condition.

24. The system of claim 23 further comprising a microprocessor for controlling the converter.
25. The system of claim 24 in which the microprocessor has access to a program for controlling output of the sound playback device.
26. The system of claim 25 in which the microprocessor program is responsive to the data corresponding to the detected parameters inherent to the user's body for altering output of the sound playback device.
27. The system of claim 23 in which the converter includes a voice synthesizer for outputting information in a verbal form through the sound playback device.
28. The system of claim 23 in which the detector includes at least one of a pulsimeter and a pulseoxymeter.
29. The system of claim 23 in which the detector includes at least one of a chronometer, a timer, and a pedometer.